

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SEI-NO-SUKE MIZUNO

Appeal 2006-2553
Application 10/685,587
Technology Center 1773

Decided: September 20, 2006

Before KIMLIN, JEFFREY T. SMITH, and FRANKLIN, *Administrative Patent Judges*.

JEFFREY T. SMITH, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant appeals the Examiner's final rejection of claims 1 to 6, all of the pending claims. We have jurisdiction under 35 U.S.C. § 134.

We AFFIRM.

CITATION OF REFERENCES

The Examiner relies on the following references in rejecting the appealed claims:

Sidders	US 4,183,975	Jan. 15, 1980
Parker	US 4,403,004	Sep. 6, 1983
Vander Velden	US 5,494,745	Feb. 27, 1996

Claims 1, 2, 3, 5, and 6 stand rejected under 35 U.S.C. § 103(a) over the combined teachings of Parker and Vander Velden. Claim 4 stands rejected under 35 U.S.C. § 103(a) over the combined teachings of Parker, Vander Velden, and Sidders (Answer 3-6).

Rather than reiterate the conflicting viewpoints advanced by the Examiner and the Appellant regarding the above-noted rejections, we make reference to the Answer mailed April 30, 2006 for the Examiner's reasoning in support of the rejections and to the Briefs filed November 1, 2005 and January 12, 2006 for Appellant's arguments thereagainst.

OPINION

Appellant's invention relates to a sparkling laminate film. The laminate film comprises a substrate containing a metal vapor deposition layer formed on the front surface thereof, a transparent surface layer formed on the front surface of the metal vapor deposition layer and a backing material bonded to the back surface of the substrate through the use of an adhesive layer. Appellant asserts the claimed invention is useful for automotive moldings (Specification 1). Representative claim 1, as presented in the Brief, appears below:

1. A sparkling laminate film comprised of a substrate, a metal vapor deposited layer formed on a front surface of said substrate, a transparent resin surface layer formed on the front surface of said metal vapor deposited layer, and a backing material integrally bonded to a back surface of said substrate through an adhesive layer.

The Examiner has found that Parker teaches a decorative metalized laminate that comprises a substrate, a transparent resin surface layer, adhesive layers, and metal vapor deposition layers (Answer 3). The Examiner relies on the Vander Velden reference for teaching that it was conventional to use an adhesive layer to attach a backing to a substrate (Answer 4).

The decorative laminate of Parker comprises two metal layers surrounding the base layer substrate (See Figure 1). Parker states "[t]he provision of metal coatings **14** and **16** on both broad surfaces of the base layer **12**, forms a sandwiching relationship therewith that obscures visual distortion that frequently results when base **12** is subjected to subsequent deformation by thermo forming techniques" (Col. 5, ll. 18-22). This disclosure suggests that the two metal layers are essential to the invention of Parker. Thus, it is the Examiner's position that the use of an adhesive layer to attach the backing layer 22 to the metal coating 16 attached to the substrate 12 of Parker would meet the limitations of claim 1. We agree.

Appellant argues that Parker does not disclose "a backing material integrally bonded to a back surface of said substrate through an adhesive layer" (Br. 5). Appellant argues that the claim language "a backing material

integrally bonded to a back surface of said substrate through an adhesive layer" excludes intervening layers such as the metal deposition layer of Parker. Appellant also argues that the Vander Velden reference does not cure the deficiency of Parker (Br. 5).

We cannot agree with the Appellant that the phrase "integrally bonded" excludes the metal layer described by Parker. From our perspective, the term "integrally" is sufficiently broad to embrace the attachment of the backing material through the metal vapor layer to the substrate as disclosed in Parker. Our reviewing court has on several prior occasions interpreted the term "integral" to cover more than a unitary construction. See, e.g., *Advanced Cardiovascular Sys. v. Scimed Life Sys.*, 887 F.2d 1070, 1074, 12 USPQ2d 1539, 1542 (Fed. Cir. 1989) (nothing of record limited "integral" to mean "of one-piece" construction); *In re Hotte*, 475 F.2d 644, 647, 177 USPQ 326, 329 (CCPA 1973); *In re Kohno*, 391 F.2d 959, 157 USPQ 275 (CCPA 1968); *In re Dike*, 394 F.2d 584, 157 USPQ 581 (CCPA 1968); *In re Larson*, 340 F.2d 965, 144 USPQ 347 (CCPA 1965); and *In re Clark*, 214 F.2d 148, 102 USPQ 241 (CCPA 1954). The dictionary definition cited by Appellant (Br. 5) does not conclusively limit "integral" to exclude the intervening layer disclosed by Parker. In other words, Parker discloses all of the layers "essential to completeness." Also, one definition in Webster's New Collegiate Dictionary is "formed as a unit with another part." Manifestly, the laminate of Parker is formed as a unit, and the inclusion of a metal layer between Appellant's substrate and

adhesive would result in an integral unit. Moreover, we find that it would have been a matter of obviousness for one of ordinary skill in the art to eliminate the metal backing of Parker along with its attendant advantage. *In re Kuhle*, 526 F.2d 553, 188 USPQ 7 (CCPA 1975). We note that Appellant bases no argument on objective evidence of nonobviousness, such as unexpected results.

Claim 4 stands rejected under 35 U.S.C. § 103(a) over the combined teachings of Parker, Vander Velden, and Sidders. We affirm.

Appellant relies on the argument presented in the discussion of the above rejection. The Appellants have not disputed the reasons presented by the Examiner for combining the teachings of Sidders with Parker and Vander Velden (Br. 7). The rejection of claim 4 is affirmed for the reasons set forth above and by the Examiner.

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CONCLUSION

The rejections of claims 1 to 6 under 35 U.S.C. § 103(a) are affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a).

AFFIRMED

clj

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